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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,511	01/28/2002	Douglas M. Kavner	RTN-127AUS	5343

22494 7590 06/02/2004

DALY, CROWLEY & MOFFORD, LLP  
SUITE 101  
275 TURNPIKE STREET  
CANTON, MA 02021-2310

EXAMINER

PHAM, LAM P

ART UNIT PAPER NUMBER

2636

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/058,511

Applicant(s)

KAVNER, DOUGLAS M.

Examiner

Lam P Pham

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-46 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-30, drawn to method of reading a license plate using a single detection for minimizing readings, classified in class 340, subclass 928.
  - II. Claims 31-37, drawn to method of reading a license plate in a toll system using a plurality of detections, *determining a trip* classified in class 340, subclass 928.
  - III. Claims 38-46, drawn to apparatus for processing a transaction and reading a license, classified in class 340, subclass 928.

If applicant select group (I), (the generic claim is claim 1), then further select:

- A. Claims 1 & 2-5

If A selected, then further select:

- i. 1 & 2-4, (manual reading with computer aid) OR
- ii. 1 & 2 and 5, (human reads)

OR

- B. Claims 1 & 6-9 and 13 & 14

If B selected, then further select:

- i. 1 & 6, 7, 13 and 14, (matching or correlating) OR
- ii. 1 & 6, 8, 9, 13 and 14, (matching confidence) OR

OR

Art Unit: 2636

- C. 1 & 10 and 11, (optical reading and confidence matching) OR
- D. 1 & 12, (detecting a vehicle presence) OR
- E. 1 & 15, (updating verified image) OR
- F. 1 & 16, (comparing with registered license plate database) OR
- G. 1 & 17, (comparing manual and auto reads) OR
- H. 1 & 18, (comparing auto and transponder reads) OR
- I. 1 & 19, (discarding license plate image) OR
- J. Claims 1 & 20-28

If J selected, then further select:

- i. 1 & 20 and 21, (manual-transponder verified image)

OR

- ii. 1 & 20 and 22, (manual-auto verified image)

OR

- iii. 1 & 20 and 23, (adding new images)

OR

- iv. 1 & 20 and 24-28.

If iv is selected, then further select:

- a. 1 & 20 and 24-27, (hit count) OR

- b. 1 & 20 and 24-26 and 28, (strike count) OR

- K. 1 & 29, (arrange system for reading license plate along road) OR
- L. 1 & 30, (combining plurality of transactions to form a trip)

Art Unit: 2636

If applicant select group (II), then select:

- A. 31 & 32, (manual read to verify license plate number) OR
- B. 31 & 33, (form trips using traffic incident data) OR
- C. 31 & 34, (manual verifying if no match) OR
- D. 31 & 35, (form trip and bill customers) OR
- E. 31 & 36 and 37, (verifying reads) OR

If applicant select group (III), then select:

- A. 38 & 39, (trip determination processor) OR
- B. 38 & 40, (probe, toll gateway and enforcement gateway) OR
- C. 38 & 41, (traffic monitoring and processing) OR
- D. 38 & 42, (real-time enforcement processor) OR
- E. 38 & 43, (image server) OR
- F. 38 & 44, (OCR) OR
- G. 38 & 45, (image correlation processor) OR
- H. 38 & 46, (video exception processor).

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I, II and III are related as combination and subcombinations.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other

Art Unit: 2636

combinations (MPEP § 806.05(c)). In the instant case, the combination (I) as claimed does not require the particulars of the subcombination as claimed because auto-manual reading a license plate for minimizing readings does not require plurality of vehicle detections for potentially forming a trip of group I(I) and processing transaction for forming a trip of group (III). The subcombination (II) has separate utility such as reading license plate in a toll system using plurality of detections for formation of a trip and billing customers. The subcombination (III) has separate utility such as processing a transaction, reading a license plate, and forming a trip.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

### ***Conclusion***

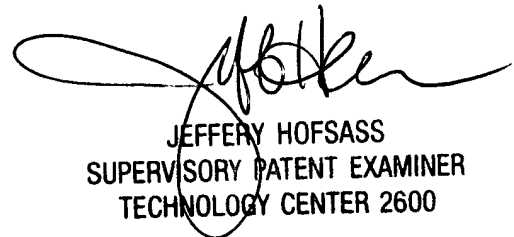
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lam P Pham whose telephone number is 703-306-4181. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A Hofsass can be reached on 703-305-4717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lam Pham  
May 20, 2004



JEFFERY HOFSSASS  
SUPERVISORY PATENT EXAMINER  
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